

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Megan A. Maule,

Plaintiff,
v.
AMENDED
MEMORANDUM OPINION
AND ORDER

R. James Nicholson, Secretary,
Department of Veterans Affairs.

Civil No. 04-1369

Donald H. Nichols and Michele R. Fisher, Nichols Kaster & Anderson for and on behalf of Plaintiff.

Patricia R. Cangemi, Assistant United States Attorney for and on behalf of Defendant.

Plaintiff was hired by Defendant Department of Veterans Affairs (hereinafter referred to as the "VA") on November 2, 2002 as a police officer at the St. Cloud Veterans Affairs Medical Center, subject to a one year probationary period. She reported for work on January 6, 2003 and was terminated from this position on June 30, 2003. In her Complaint, she alleges that during the short time she held this position, she was subjected to sexual harassment, and was ultimately terminated in retaliation for reporting the sexual harassment.

The VA has moved the Court for summary judgment on both of Plaintiff's claims. Summary judgment is not appropriate, however, as there are genuine

issues of material fact as to both claims. Accordingly, the motion must be denied with respect to those claims.

Plaintiff indicated in her brief in opposition to the VA's motion that she was voluntarily dismissing Count III. The Court will thus dismiss that Count.

IT IS HEREBY ORDERED that Defendant's Motion for Summary Judgment [Docket No. 32] is DENIED with respect to Count I and II. Count III is dismissed with prejudice. The Clerk of Court is hereby directed to amend the caption of this case consistent with this Order.

Date: November 28, 2005

s/ Michael J. Davis
Michael J. Davis
United States District Court

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